

In The United States District Court
For The Middle District of Alabama
Southern Division

Ralph Wilson Lingo,
Petitioner

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Civil Action

V.
Willie R. Collins, et. al.,
Respondents

FILED

Case No.: 1:06-CV-703-MHT

Request for Additional Time In Order
To Reply to Respondents Answer

Comes now your Petitioner, Ralph Wilson Lingo, pro se, and would move the Honorable Court for a ten day extention from the present October 10TH, 2006 order for Petitioner to reply to Respondants answer in the above styled cause, and he would support such request for extention with the following facts:

1.) Your Petitioner is illiterate, possessing only a fifth grade education, and has had to depend on other inmates to assist him in his plight to seek federal court relief from a state courts conviction of Intimidating a Witness. Your Petitioner was transferred from his pre-trial federal holding at the Montgomery City Jail in Montgomery, Alabama to the Autauga Metro Jail located in Prattville, Alabama on August 10TH, 2006 seperating him from those inmates who were assisting him in his legal actions, which has precluded him for from an immediate

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response to Respondants answer submitted to the Honorable Court on September 15th, 2006. Petitioner did not receive the Honorable Courts order until the 20th of September, 2006, and it has taken until September 23, 2006 to find anyone to assist him in his litigations, albeit his new assistant has had to review all pertinent documents that are involved with Petitioner's claims under 42 U.S.C. § 1983 action, which has required several days to observe.

2.) Petitioner's present inmate legal assistant discovered many problems in Petitioner's federal claims, and has had to file a Motion for Leave to Amend Petitioner's original 42 U.S.C. § 1983 claims due to his findings of a need to make colorable claims with meritorious factors, because it seems your Petitioner and his previous assistant failed to do and ~~became~~ because of these facts your Petitioner needs an extension of at ~~least~~ least a period of ten days in order to amend his original petition and submit such to the Honorable District Court for review.

3.) Your Petitioner upon completion of his brief's to Amend his original claims he must mail such copies to his sister in Dothan, Alabama in order for her to make photostat copies of all documents to be presented and served upon Respondent's Counsel. ~~and~~ Such legal preparations require several days between mailings to and fro - 2 -

between his sister's receiving such, and making the copies, and returning to Petitioner. Your Petitioner can only meet the requirements of Federal Rules of Civil Procedure, wherein he must serve the Respondents with a copy of all documents, pleadings, and informations by these methods of sending all documents to his sister in Dothan for her to make copies for him, and mail them back to him via United States mail in order for him to remit to Respondents Attorney(s).

Your Petitioner ~~would~~ believes he has met the requirements of Rule 10(a), and Rule 11(a) Federal Rules of Civil Procedure regarding naming the proper court for filing, the title of action, the file number and designation, as well as by placing his signature on such documents.

Your Petitioner would equally assert that he has met the requirements of Rule 7(b)(1), Federal Rules of Civil Procedure by submitting in writing, as well as meeting the mandates of rule 7(b)(2) F.R.C.P. in regarding ~~and~~ enumerating the grounds for the motion, and listing the relief ^{or} sought. Petitioner would further contend that he has met the standards set forth by Rule 7(b)(2) by setting forth the title designation which specifically states the actions that Petitioner wants the Court to take.

Wherefore These Premises Considered, Your Petitioner would pray that the Honorable Court grant Petitioner's -3- motion/request for additional

time of at least the minimum of ten days, in order for Petitioner to prepare a brief in answer to the Respondents answer, received by this Honorable District Court of the United States on September 16th, 2006 in order for Petitioner to meet the requirements of Federal Rules of Civil procedure wherein he must send copies to another in order get copies made so that he can serve Respondents a copy of all pleas in which, he is asking of the Court to make an order for a ten day extension. Petitioner would pray the Court to make an order giving Petitioner an extension of time, as well as any other relief the Court deems appropriate and available to him

~~God~~ **This We Forever Pray**

Done this the 3rd day
of October, 2006

Respectfully Submitted,
Ralph Wilson Lingo
pro se Petitioner
136 North Court Street
Prattville, Alabama 36067.

Certificate of Service

I, Ralph Wilson Lingo, do hereby certify that I have delivered a copy of the foregoing motion to the United States District Court as well as the Attorney General's office by placing in the U.S. mail properly addressed with proper postage affixed.

Ralph W. Lingo